

## Agenda Item No.136.5

## Delegation of Powers regarding issuance of closure notices/closure orders under grave emergency and immediate threat to Environment to the Regional Officers of the Board.

The main objectives of the Board is to control pollution and also to protect and conserve the Environment as per statutory provisions enshrined in the various Environmental laws. The Board has been empowered by the society through these legislations to take immediate action for the protection of environment and for controlling pollution of Water/Air/Noise etc. Whenever there is a leakage/spillage of toxic/obnoxious gases/liquid effluents, there is necessity and rather it is the duty of the Board to take immediate action then and there. Similarly, whenever, there are cases of reverse pumping i.e. discharging untreated effluent by injecting it directly into aquifer and polluting the sub-soil water, there is immediate need to check the same. Further, illegal operations of lead recovery units using waste batteries in violation of Battery Rules which emit lead oxide emissions and can adversely affect the central nervous system of human beings and living creatures, there is a need to take immediate remedial measures on the spot. The Board has recently issued powers to issue closure notice to its Regional Officers under section 33-A and 31-A of the Water and Air Acts vide office order No.2551-67 dated 8.8.05 (copy enclosed at Annexure 'D') in the following circumstances :-

1. not obtained NOC and commenced operation/production without operation or installation of ETP/APCM or
2. Obtained NOC but not operating/installed ETP/APCM or
3. Not obtained environmental clearance (32 categories of projects) from the MOEF, GOI and operating or
4. Caught on the spot and in the act passing the untreated hazardous effluent and discharging into water bodies or
5. Throwing untreated effluent through tankers
6. Caught in the act, on the spot, dispose of hazardous sludge generated from the process/ETP into the drain/water bodies or
7. Using unauthorised fuel such as waste plastic/rubber in the boiler/furnace etc.

Similarly, the Board has recently issued office order regarding delegations of power for issuance of closure orders and powers to seal the unit in grave emergency when there is an immediate threat to the Environment and endangering lives of the public in large in the following circumstances vide office order No.2754-60 dated 23.8.05 (copy enclosed at Annexure 'E').



Regional Officers are authorized to issue closure order/sealing of the polluting process of the unit after giving 3 days notice or directly seal the polluting process in grave emergency when there is immediate threat to environment and endangering the lives of people at large and other living creatures in following circumstances :-

- a) Unit is doing reverse pumping of untreated effluent by injecting it directly in to aquifer and polluting the sub-soil water; or
- b) Unit is illegally operating lead recovery unit by using waste batteries in violation of Battery Rules and has not adopted environmentally sound technologies, because lead oxide emissions can adversely affect the central nervous system of human beings and living creatures; or
- c) When there is leakage/spillage of hazardous/obnoxious gas in the atmosphere or releasing toxic/hazardous material in water bodies used for drinking water source and endangering lives of people at large or other living creatures.
- d) It has been the concern of the Govt. and the Board for some time now that decisive action is not being taken with regard to illegal or unscientific disposal of polluted effluents including disposal by ways of transporting potentially or decidedly polluting effluent from manufacturing/process industries and disposing these off at various places through tankers while the above decision has sought to delegate powers to the ROs to take immediate prohibitory action under various Environmental Laws and enabling provisions, it would be appropriate and in order to delegate the power to order closure of those units which adopt above means for disposal of polluting effluent through tankers or other vehicles. This is being done to ensure that immediate and effective action is taken in public interest under Environmental Laws. RO should record full justification/reasons on the file and send a copy of such notice to the Head Office and should also take photograph and provide other evidence such as sample, if possible.

RO should record full justification/reasons on the file and send a copy of such notification to the Head Office within 24 hours and should also take photograph and provide other evidence such as sample, if possible.

In case of non-compliance of above orders or issuing any notice/order on flimsy grounds they will be liable for action.

The Board may consider and ratify the above mentioned delegations of power to its Regional Officers.

Submitted for approval of the Board.